UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

George Guindon, et al., Plaintiffs, v. AMERICAN FOAM CORPORATION, et al, Defendants.	**CIVIL ACTION NO.** 03-335L (Adopting C.A. No. 04-312L)

POLAR INDUSTRIES INC.'S MOTION TO DISMISS

Defendant Polar Industries Inc. respectfully moves, pursuant to Fed.R.Civ.P. 12(b)(6) to dismiss the claims of the above-captioned plaintiffs against it. The plaintiffs in this matter have filed a Pro Forma Complaint Regarding Station Nightclub Fire Litigation and have adopted the Third Amended Master Complaint in Albert L. Gray, Administrator, et al. (Plaintiffs) vs. Jeffrey Derderian, et al. (Defendants), C.A. No. 04-312L in its entirety. In response to the Third Amended Master Complaint in Gray, Polar Industries Inc. filed a Motion to Dismiss and Supporting Memorandum, recorded as Gray Docket No. 818. As the Plaintiffs in Guindon have adopted and incorporated by reference the Third Amended Master Complaint, in the interest of judicial economy and avoiding unnecessary duplication, Polar Industries Inc. similarly adopts and incorporates by reference its Motion to Dismiss and Supporting Memorandum filed in Gray and moves that the Guindon Complaint be dismissed on the same basis.

RESPECTFULLY SUBMITTED:

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Dated: 7/11/06

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of July, 2006, I caused to be served a copy of the attached pleading via electronic mail, unless otherwise indicated, to the list of counsel of record appended hereto.

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